

APPEAL

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:04-cv-30124-MAP
Internal Use Only**

Delgado v. Dennehy
Assigned to: Judge Michael A Ponsor
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 06/30/2004
Date Terminated: 08/27/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**Alex Delgado**

represented by **John M. Thompson**
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V.

Respondent











Kathleen M. Dennehy
Commissioner of Corrections

represented by **Annette C. Benedetto**
Department of Attorney General
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Date Filed	#	Docket Text
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06/30/2004	<u>1</u>	PETITION for writ of habeas corpus pursuant to 28:2254 by Alex Delgado filed. Filing fee of \$5.00 paid. Receipt number 305662.(Finn, Mary) (Entered: 06/30/2004)
07/01/2004	<u>2</u>	Judge Michael A Ponsor : SERVICE ORDER re 2254 Petition entered. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rept of this order; cc/el. and by certified mail on the Respondent and the Mass. Attorney General, Cathryn A. Neaves, Assistant Attorney General, One Ashburton Place, Boston MA 02108.(Finn, Mary) (Entered: 07/01/2004)
07/07/2004	<u>3</u>	Green Return receipt received for mail sent to Cathryn A. Neaves Delivered on 7/02/2004 by certified mail. Resp. to 2254 petition due within twenty (20) days of receipt of the 2254 habe petition (7/22/2004). (Finn, Mary) (Entered: 07/07/2004)
07/08/2004	<u>4</u>	Return receipt received for mail sent to Kathleen M. Dennehy. Commisioner of Corrections Delivered on 7/6/04 (Lindsay, Maurice) (Entered: 07/08/2004)
07/13/2004	<u>5</u>	MOTION to supplement petition for writ of habeas corpus by Alex Delgado.(Lindsay, Maurice) (Entered: 07/13/2004)
07/22/2004	<u>6</u>	MOTION for Extension of Time to 9/15/04 to file an answer or other responsive pleadings by Kathleen M. Dennehy.(Lindsay, Maurice) (Entered: 07/23/2004)
08/11/2004		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <u>6</u> Motion for Extension of Time to File Responsive Pleading ENTERED, cc:el. Responsive pleading to be filed by September 15, 2004. (Healy, Bethancy) (Entered: 08/11/2004)
09/16/2004	<u>7</u>	ANSWER to Complaint by Kathleen M. Dennehy.(Lindsay, Maurice) (Entered: 09/17/2004)
09/16/2004	<u>8</u>	SUPPLEMENTAL ANSWER by Kathleen M. Dennehy to Dft's <u>7</u> Answer to Complaint. (Attachments: # <u>1</u> Supplemental Exhibits & Brief's (not scanned))(Lindsay, Maurice) (Entered: 09/17/2004)
12/29/2004	<u>9</u>	Judge Michael A Ponsor : ORDER RE: FURTHER PROCEEDINGS entered, Dispositive Motions or motions for evidentiary hearing due by 1/28/2005. opposition due 2/28/05. See attached order for complete details. cc/el(Lindsay, Maurice) (Entered: 12/29/2004)
01/26/2005	<u>10</u>	MOTION for Extension of Time to 2/11/05 to File motions by Alex Delgado.(Lindsay, Maurice) (Entered: 01/26/2005)
02/08/2005		Judge Michael A Ponsor : ENDORSED ORDER entered granting <u>10</u> Motion for Extension of Time to 2/11/05 to File Motions. (Lindsay, Maurice) (Entered: 02/09/2005)

02/14/2005	<u>11</u>	STATUS REPORT AND MOTION for Extension of Time to 3/2/05 to file dispositive motions by Alex Delgado.(Lindsay, Maurice) (Entered: 02/14/2005)
02/16/2005		Judge Michael A Ponsor : ENDORSED ORDER entered granting <u>11</u> Motion for Extension of Time. ALLOWED. Motion due by 3/2/05. cc/cl (Lindsay, Maurice) (Entered: 02/16/2005)
03/04/2005	<u>12</u>	Petitioner's Status Report and MOTION to ext. time for filing of dispositive motions and for a evidentiary hearing by Alex Delgado filed.(Finn, Mary) (Entered: 03/04/2005)
03/04/2005		Judge Michael A Ponsor : ENDORSED ORDER entered granting <u>12</u> Motion for Extension of Time. ALLOWED. A motion for financial assistance may be filed on or before April 1, 2005. So ordered. cc/cl (Lindsay, Maurice) (Entered: 03/07/2005)
03/18/2005		Judge Michael A Ponsor : Electronic ORDER entered granting <u>5</u> Motion (French, Elizabeth) (Entered: 03/18/2005)
04/04/2005	<u>13</u>	MOTION for Order to file under Seal by Alex Delgado.(Lindsay, Maurice) (Entered: 04/04/2005)
04/06/2005		Judge Michael A Ponsor : ENDORSED ORDER entered granting <u>13</u> Motion For Order to file Under Seal. cc/cl (Lindsay, Maurice) (Entered: 04/06/2005)
04/06/2005	<u>14</u>	EX PARTE SEALED MOTION by Alex Delgado.(Lindsay, Maurice) (Entered: 04/06/2005)
04/06/2005	<u>15</u>	MEMORANDUM (filed under seal) in Support re <u>14</u> SEALED MOTION filed by Alex Delgado. (Lindsay, Maurice) (Entered: 04/06/2005)
05/27/2005		Judge Michael A Ponsor : ENDORSED ORDER entered granting <u>14</u> Sealed Ex Parte Motion. ALLOWED, On condition that within thirty days petitioner's counsel will submit a supplemental motion setting forth the specific amount of funds requested and the reasons in support. So ordered. cc/cl (Lindsay, Maurice) (Entered: 05/27/2005)
06/03/2005	<u>16</u>	MOTION for Reconsideration by Kathleen M. Dennehy.(Benedetto, Annette) (Entered: 06/03/2005)
06/17/2005	<u>17</u>	Petitioner's MOTION to Strike the Respondent's <u>16</u> MOTION for Reconsideration of allowance of Sealed Ex Parte Motion by Alex Delgado filed.(Finn, Mary) (Entered: 06/17/2005)
06/23/2005		Judge Michael A Ponsor : ENDORSED ORDER entered denying <u>17</u> Motion to Strike Respondent's motion for reconsideration. Motion to strike is DENIED. The motion for reconsideration has been denied substantively. So ordered. cc/cl (Lindsay, Maurice) (Entered: 06/23/2005)

06/23/2005		Judge Michael A Ponsor : ENDORSED ORDER entered denying <u>16</u> Motion for Reconsideration. DENIED. Provision of funds is appropriate. Respondent's substantive arguments will be addressed in due course. So ordered. cc/el (Lindsay, Maurice) (Entered: 06/24/2005)
06/28/2005	 <u>18</u>	Petitioner's SEALED SUPPL. MEMORANDUM in Support of his <u>14</u> SEALED MOTION by Alex Delgado FILED UNDER SEAL. (Finn, Mary) (Entered: 06/28/2005)
08/02/2005		Judge Michael A Ponsor : Electronic ENDORSED ORDER entered on supplemental memo re: SEALED MOTION ALLOWED (French, Elizabeth) Modified on 8/23/2005 w/limitations (ORIGINAL ENDORSEMENT TO BE MAILED ONLY ATTORNEY THOMPSON SINCE SEALED MOTION AND ENDORSEMENT(French, Elizabeth). (Entered: 08/23/2005)
05/02/2006	 <u>19</u>	Judge Michael A Ponsor : ORDER REGARDING STATUS REPORT entered. Counsel are hereby ordered to file with the court jointly or separately a status report no later than 6/2/06. See the attached order for complete details. cc/el(Lindsay, Maurice) (Entered: 05/02/2006)
05/26/2006	 <u>20</u>	STATUS REPORT <i>of the Respondent</i> by Kathleen M. Dennehy. (Benedetto, Annette) (Entered: 05/26/2006)
06/02/2006	 <u>21</u>	STATUS REPORT <i>Petitioner's Status Report</i> by Alex Delgado. (Thompson, John) Additional attachment(s) added on 6/5/2006 - signed copy replaced unsigned copy. (Finn, Mary). Modified on 6/5/2006 (Finn, Mary). (Entered: 06/02/2006)
06/05/2006	 <u>22</u>	Judge Michael A Ponsor : SCHEDULING ORDER entered: As follows: Respondent dispositive motion with supporting memo due by 7/7/2006, Petitioner's memo in opposition due 8/7/06 Resp. reply by 8/21/06 and counsel will appear for argument on Resp. motion on 8/29/06 at 3:00 P.m. See attached order for complete details. cc/el(Lindsay, Maurice) (Entered: 06/05/2006)
06/05/2006		Set/Reset Deadlines as to Memo in Opposition due by 8/7/2006, Resp. Reply due by 8/21/2006 and Argument set for 8/29/2006 at 3:00 PM in Courtroom 1 before Judge Michael A Ponsor. (Lindsay, Maurice) (Entered: 06/05/2006)
06/09/2006	 <u>23</u>	MOTION for Extension of Time to August 18, 2006 to file dispositive motion and memorandum by Kathleen M. Dennehy.(Benedetto, Annette) (Entered: 06/09/2006)
06/14/2006		Judge Michael A Ponsor : endorsed ORDER entered granting <u>23</u> Motion for Extension of Time to revise deadlines and for filing memos under the scheduling order - Respondent to file dispositive motion w/supporting memo by 8/18/06; Petitioner to file opposition by 9/18/06 - Hearing on motion set for 8/29/06 is rescheduled for 10/10/06 at 2:00 p.m. (French, Elizabeth) (Entered: 06/14/2006)

08/25/2006	<u>24</u>	MOTION for Extension of Time to August 25, 2006 to file motion to dismiss and supporting memorandum of law by Kathleen M. Dennehy.(Benedetto, Annette) (Entered: 08/25/2006)
08/25/2006	<u>25</u>	MOTION to Dismiss <i>petition for writ of habeas corpus</i> by Alex Delgado.(Benedetto, Annette) (Entered: 08/25/2006)
08/25/2006	<u>26</u>	MEMORANDUM in Support re <u>25</u> MOTION to Dismiss <i>petition for writ of habeas corpus</i> filed by Kathleen M. Dennehy. (Benedetto, Annette) (Entered: 08/25/2006)
08/25/2006	<u>27</u>	NOTICE by Kathleen M. Dennehy re <u>26</u> Memorandum in Support of Motion <i>of filing of trial transcripts of petitioner's state trial</i> (Benedetto, Annette) (Entered: 08/25/2006)
08/28/2006		Notice of correction to docket made by Court staff. Correction: Attorney Benedetto was notified that documents <u>25</u> , <u>26</u> , & <u>27</u> should have been an attachment to document <u>24</u> and should not have been put on electronically until the motion for leave was allowed. (Finn, Mary) (Entered: 08/28/2006)
08/28/2006		Judge Michael A Ponsor : ELECTRONIC ENDORSED ORDER entered granting the Respondent's <u>24</u> Motion for Extension of Time to 8/25/2006 to file its motion to dismiss <i>instantly</i> : cc/cl. (Finn, Mary) (Entered: 08/28/2006)
08/28/2006		Set/Reset Deadlines as to <u>25</u> MOTION to Dismiss <i>petition for writ of habeas corpus</i> . Petitioner's Responses due by 9/18/2006. Motion Hearing set for 10/10/2006 at 02:00 PM before Judge Michael A Ponsor. (Finn, Mary) (Entered: 08/28/2006)
08/28/2006	<u>28</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 7, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 1 OF 12.(Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>29</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 8, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 2 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>30</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 9, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 3 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>31</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 10, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 4 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)

08/28/2006	<u>32</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 11, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 5 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>33</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 13, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 6 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>34</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 14, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 7 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>35</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 15, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 8 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>36</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 16, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 9 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>37</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 17, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 10 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>38</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 20, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 11 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
08/28/2006	<u>39</u>	TRIAL TRANSCRIPT of State Court Proceedings held on September 21, 1993 The original transcripts are maintained in the case file in the Clerk's Office. VOLUME 12 OF 12. (Lindsay, Maurice) (Entered: 09/06/2006)
09/11/2006	<u>40</u>	MOTION for Extension of Time to 9/29/2006 to File Response/Reply as to <u>25</u> MOTION to Dismiss <i>petition for writ of habeas corpus</i> by Alex Delgado.(Thompson, John) (Entered: 09/11/2006)
09/12/2006		Judge Michael A Ponsor : ENDORSED ORDER entered granting Pet. <u>40</u> Motion for Extension of Time to File Opposition to Res. <u>25</u> MOTION to Dismiss. ALLOWED. Opposition due by 9/29/2006. cc/cl (Lindsay, Maurice) (Entered: 09/12/2006)
10/04/2006	<u>41</u>	Assented to MOTION to Amend <i>Schedule for Litigation of Respondent's Motion to Dismiss</i> by Alex Delgado.(Thompson, John) (Entered: 10/04/2006)

10/04/2006	●	Judge Michael A Ponsor : ENDORSED ORDER entered granting <u>41</u> Motion to Amend scheduling order: Opposition to Motion to Dismiss by 11/7/06; Hearing reset on Motion to 11/17/06 2:30 p.m. from 10/10/06 (French, Elizabeth) (Entered: 10/04/2006)
10/04/2006	●	Set/Reset Deadlines as to <u>25</u> MOTION to Dismiss <i>petition for writ of habeas corpus</i> . Petitioner's Response due by 11/7/2006. Motion Hearing reset to 11/17/2006 at 02:30 PM in Courtroom 1 before Judge Michael A Ponsor. (Finn, Mary) (Entered: 10/04/2006)
10/19/2006	●	ELECTRONIC NOTICE of RESCHEDULING Hearing on Motion <u>25</u> MOTION to Dismiss <i>petition for writ of habeas corpus</i> : Motion Hearing RESET FROM 11/17/06 AT 2:30 P.M. TO 11/16/2006 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. (French, Elizabeth) (Entered: 10/19/2006)
11/01/2006	● <u>42</u>	Writ of Habeas Corpus ad Prosequendum Issued for 11/16/06 FOR 2:00 P.M. - TO MARSHALS THIS DATE (French, Elizabeth) (Entered: 11/01/2006)
11/07/2006	● <u>43</u>	MEMORANDUM in Opposition re <u>25</u> MOTION to Dismiss <i>petition for writ of habeas corpus</i> filed by Alex Delgado. (Attachments: # <u>1</u> Exhibit Affidavit# <u>2</u> Exhibit May 6. 1993 letter)(Thompson, John) (Entered: 11/07/2006)
11/07/2006	● <u>44</u>	MOTION for Leave to File MEMORANDUM IN OPPOSITION Out of Time by Alex Delgado.(Thompson, John) (Entered: 11/07/2006)
11/08/2006	●	Judge Michael A Ponsor : ELECTRONIC ENDORSED ORDER entered granting the Petitioner's <u>44</u> Motion for Leave to File Memorandum in excess of twenty (20) pages and beyond the filing date; cc/el. (Finn, Mary) Modified on 11/8/2006 (Finn, Mary). (Entered: 11/08/2006)
11/08/2006	●	Notice of correction to docket made by Court staff. Correction: endorsement of 11/08/2006 re: <u>44</u> . corrected because: to add and beyond the filing date to the text. (Finn, Mary) (Entered: 11/08/2006)
11/16/2006	●	Electronic Clerk's Notes for proceedings held before Judge Michael A Ponsor : Motion Hearing held on 11/16/2006 re <u>25</u> MOTION to Dismiss <i>petition for writ of habeas corpus</i> filed by Alex Delgado., <u>17</u> MOTION to Strike <u>16</u> MOTION for Reconsideration filed by Alex Delgado., (Court Reporter Laurie Monahan.) (French, Elizabeth) (Entered: 11/17/2006)
03/19/2007	● <u>45</u>	Judge Michael A Ponsor : MEMORANDUM AND ORDER entered granting Respondent's <u>25</u> Motion to Dismiss, a more detailed memo setting forth the court's reasoning will issue shortly. The court will wait to enter judgment. See the attached memo & order for complete details. cc/el (Lindsay, Maurice) (Entered: 03/19/2007)

08/27/2007	<u>46</u>	Judge Michael A Ponsor : ORDER entered. MEMORANDUM regarding the Respondent's motion to dismiss - <u>25</u> . The Court allowed the Respondent's motion to dismiss on 3/19/2007. The clerk is ordered to enter judgment for the Respondent. This case may now be closed; cc/cl. (Attachments: # <u>1</u> part 2 - pages 21 - 41# <u>2</u> part 3 - pages 41 - 51)(Finn, Mary) (Entered: 08/27/2007)
08/27/2007	<u>47</u>	Judge Michael A Ponsor : ORDER entered. JUDGMENT in favor of Respondent pursuant to the Memorandum entered this date, the Court having granted the Respondent's motion to dismiss on 3/19/2007; cc/cl.(Finn, Mary) (Entered: 08/27/2007)
09/24/2007	<u>48</u>	NOTICE OF APPEAL by Alex Delgado NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/15/2007. (Thompson, John) (Entered: 09/24/2007)